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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Rogier Louis Thissen

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

SAINT CYR, JEAN D

ART UNIT

PAPER NUMBER

2425

MAIL DATE

DELIVERY MODE

01/06/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/544,198	Applicant(s) THISSEN ET AL.	
	Examiner JEAN D. SAINT CYR	Art Unit 2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

REMARK

The use of reference characters (p1, p2, p3) , (s11, s12, ... s1i, s21, s22, s2i, s31,s32,...s3i), ({p1,s11,s12,...s1i},{p2,s21,s22,...s2i}, {p3,s31,s32,s3i,...}), in claims 1 and 3, is to be considered as having no effect on the scope of the claims(MPEP, 608.01(m)).

Response to Amendment

This action is in response to applicant's amendment filed on 09/24/2008. Claims 1-5, 7-8 are still pending in the current application. Claims 6, 9 were cancelled. This action is made FINAL.

Response to Arguments

Applicant's arguments with respect to claim1-5, 7-8 have been considered but are moot in view of the new ground(s) of rejection. Applicant argues that Schein et al did not disclose interleaving data transmission. However, Schein is incorporated with Young that discloses interleaving with respect to the EPG. Also, Young discloses "when update is required, programmable tuner 202 will be tuned automatically to the station or cable channel carrying the data". With that option, there will be no delay in receiving EPG data. Finally, Young et al disclose topics and themes are rooted in relational database operations and allow logical sorting of the schedule. As a result, this action is made final.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by

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the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Schein et al (US. 2002/0129366 A1- referred as Schein).

Note: US.5353121 (referred as Young). All references incorporated by reference in their entirety in Schein are treated as part of Schein specification.

Re claim 1, Schein et al disclose a method(method for displaying schedule information on a visual interface, such as a television screen, 0008) of coding(program code , 0056) and/or transmitting EPG data(program guide data is transmitted, 0061; transmission of an EPG in a digital satellite system, 0028), the data comprising respective ones of multiple program records identifying a respective one(each show title is identified by a unique 20-bit show identification number, 0080)of multiple programs and specific ones(selected ones of the outputs and displays the received program, 0052)of a plurality(many shows are broadcast by multiple channels, 0081) of schedule records identifying one or more specific scheduled broadcast times(on various channels at various times, 0006) of the respective programs, wherein characterized in that the program records (p 1, p2, p3) and the schedule records (sl 1, s12, ... sli, s21, s22, S2i, s31, s32,...s3i) are coded(store program code , 0056; schedule information is transmitted as a set of short commands of specified formats, 0057) and/or transmitted in an interleaved manner(see Young, there is a concept of a guide session which allows the user to open the background guide repeatedly, interleaved with nonbackground guide activities, col.24, lines 9-12) (({pl, sl 1, s12,...sli},{p2, s21, s22,...s2i},{p3, s31, s32, s3i,...}), (sl 1, s12,..., sli, pl},{s21, s22,..., s2i, p2},{s31, s32,..., s3i, p3}))(see Young, the complete theme sorting strategy is defined as follows: Listings=(Topic A+Topic B+etc.) ,col.15, lines 30-35; topics and themes are rooted in relational database operations and allow logical sorting of the schedule, col.15, lines 54-56) such that two successive ones

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of the program records are separated by one or more schedule records associated with a particular one of the two successive program records and, once transmitted, at the receiving device, the EPG data is read, parsed and stored as it is being received before the complete reception of the data for the EPG is finished(see Young, after the VBI signal is processed by CPU 228, the listing data is stored in schedule memory 232,col.18, lines 47-52).

Re claim 2, Schein et al disclose characterized in that the interleaved program(see Young, there is a concept of a guide session which allows the user to open the background guide repeatedly, interleaved with nonbackground guide activities, col.24, lines 9-12) records and schedule records are sorted(topics and themes are rooted in relational database operations and allow logical sorting of the schedule, col.15, lines 54-56on a time basis (a period of time, e.g., a day, week or longer, 0039).

Re claim 3, Schein et al disclose characterized in that schedule records refer to program records that are ahead in the coding scheme(the schedule information is transmitted as a set of short commands of specified formats, 0057) $\{p1,s11,s12,...s1i\},\{p2,s21,s22,...s2i\}, \{p3,s31,s32,s3i,...\}$.

Re claim 4, Schein et al disclose characterized in that the interleaved program records(see Young, there is a concept of a guide session which allows the user to open the background guide repeatedly, interleaved with nonbackground guide activities, col.24, lines 9-12) and schedule records are coded in a section(store program code , 0056), which is separate and ahead in the coding scheme(specified formats, 0057) from other sections comprising information relating to the programs(program related information, 0053).

Re claim 5, Schein et al disclose characterized in that the section, which comprises interleaved program records(see Young, there is a concept of a guide session which allows the user to open the background guide repeatedly, interleaved with nonbackground guide activities, col.24, lines 9-12) and schedule records, is preceded by a section(schedule information area and/or obtain more information about programs, 0008) comprising general information (each show title is identified by a unique 20-bit show identification number and each show description is identified by a unique 20-bit number assigned at the head end, 0080).

Re claim 7, Schein et al disclose a device comprising an encoder(see fig. 3, element 118, encoding and decoding logic; encoded in a digital format, 0050) for coding EPG data(an EPG System , 0048) comprising program records and schedule records in accordance with the method as claimed in claim 1.

Re claim 8, Schein et al disclose a receiving device comprising a decoder (see fig.2, element 36, and decoder) for decoding EPG data comprising program records and schedule records coded in accordance with the method as claimed in claim 1.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Duclos Saintcyr whose phone number is 571-270-3224. The examiner can normally reach on M-F 7:30-5:00 PM EST. If attempts to reach the examiner by telephone are not successful, his supervisor, Brian Pendleton, can be reached on 571-272-7527. The fax number for the organization where the application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, dial 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jean Duclos Saintcyr

/Hunter B. Lonsberry/

Primary Examiner, Art Unit 2421